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**FEB 28 2005**

**To: U.S. Patent and Trademark Office**  
**MS Amendment**

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**From: Gregory P. Einhorn**

**Date: February 28, 2005**

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**Comments:**

Attorney Docket: 220002066000  
Group Art Unit: 1636  
Examiner: S. Kaushal  
Serial No.: 09/954,571  
Filing Date: September 11, 2001  
Inventor(s): Kenneth CHIEN et al.  
Title: METHODS FOR CARDIAC GENE TRANSFER (AMENDED)

**Papers attached:**

1. Transmittal (1 page)
2. Fee Transmittal (1 page + duplicate)
3. Petition for 1 Month Extension of Time Under 37 CFR 1.136(a) (1 page)
4. Preliminary Amendment and Response to Restriction Requirement (15 pages)

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**SD-246792**

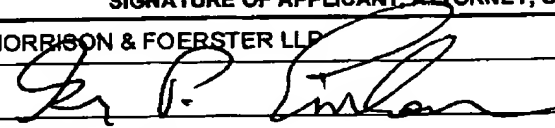
PTO/SB/21 (09-04)


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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/954,571
		Filing Date	September 11, 2001
		First Named Inventor	Kenneth CHIEN
		Art Unit	1636
		Examiner Name	S. Kaushal
Total Number of Pages in This Submission	20	Attorney Docket Number	220002066000

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (1 page + duplicate) <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (15 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request (1 page) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet (1 page)
Remarks Customer No. 25225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Gregory P. Einhorn		
Date	February 28, 2005	Reg. No.	38,440

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(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kenneth CHIEN et al.

Application No.: 09/954,571

Confirmation No.: 7236

Filed: September 11, 2001

Art Unit: 1636

For: METHODS FOR CARDIAC GENE  
TRANSFER (AMENDED)

Examiner: Sumesh Kaushal, Ph.D.

**PRELIMINARY AMENDMENT AND  
RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

Responsive to the second Election/Restriction Requirement mailed December 28, 2004, Applicants respectfully request entry of the amendment and consideration of the remarks set forth herein. A response to the Office Action was originally due January 28, 2005. Applicants submit herewith a Petition for Extension of Time to extend the time to reply to this Office Action for one month to February 28, 2005. Accordingly, this Response is timely filed.

**Amendment to the claims** are reflected in the listing of claims which begin on page 2 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.

The following documents are enclosed herewith:

- Transmittal letter, Fee Transmittal, Petition to Extend Time, Facsimile cover sheet.

sd-246709